

**CHAP. LIX.—AN Act concerning Arbitrations.**

What may be submitted to arbitrators.

**SEC. 1.** All controversies which might be the subject of a personal action at law or of a suit in equity, may be submitted to the decision of one or more arbitrators in the manner provided in this act.

**1b.**

SEC. 2. No such submission shall be made respecting the claim of any person to any estate, in fee or for life to real estate; but any claim to an interest for a term of years, or for one year or less, in real estate, and controversies respecting the partition of lands between joint tenants, [or tenants] in common, or concerning the boundaries of lands, or concerning the admeasurement of dower, may be submitted to arbitration.

Agreement to  
submit to be sign-  
ed, etc.

**SEC. 3.** The parties shall appear in person or by their lawful agents or attorneys, before any justice of the peace, and shall there sign and acknowledge an agreement in substance, as follows:

**Form of agreement.**

Know all men, that \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ have agreed to submit the demand, a statement whereof is hereto annexed, (and all other demands between them, as the case may be,) to the determination of \_\_\_\_\_ and \_\_\_\_\_ the award of whom, or the greater part of whom, being made and reported within \_\_\_\_\_ from this day, to the District Court for the county of \_\_\_\_\_ the judgment thereon shall be final; and if either of the parties shall neglect to appear before the arbitrators, after due notice given them of the time and place appointed for hearing the parties, the arbitrators may proceed in his absence. Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

Justice to sub-  
join certificate.

And the justice shall subjoin to the said agreement his certificate, in substance, as follows:

§ 3. Then the above named and personally appeared, (or the above named personally, and the said by the said his attorney appeared, as the case may be,) and acknowledged the above instrument by them signed, to be their free act. Before me justice of the peace.

Agreement to  
submit, what to  
contain.

SEC. 4. If any specific demand is submitted to the exclusion of others, the demand submitted shall be set forth in the statement annexed to the agreement, otherwise it shall not be necessary to annex any statement of a demand, and the words in the agreement relating to such statement may be omitted, and the submission may then be of all demands between the parties, or of all demands which either of them has against the other, or the submission may be varied in this respect, in any other manner according to the agreement of the parties.

Submission not  
to be revoked.

SEC. 5. Neither party shall have power to revoke a submission made as herein provided, without the consent of the other; and if either of them shall neglect to appear before the arbitrators after due notice, the arbitrators may, nevertheless, proceed to hear and determine the cause upon the evidence produced by the other party, as provided in the agreement of submission.

Arbitrators may proceed ex-parte.

To appoint a time and place for the hearing.

SEC. 6. The arbitrators thus selected shall appoint a time and place for the hearing, and shall adjourn the same from time to time as may be necessary; and on the application of either party, and for good cause, they may postpone such hearing to a time not extending beyond the day fixed in such submission for rendering their award.

Met adjourn.

SEC. 7. Before proceeding to hear any testimony, the arbitrators shall be sworn by any officer authorized to administer oaths, faithfully and fairly, to hear and examine the matters in controversy, and to make a just award according to law and evidence, to the best of their understanding.

To be sworn.

SEC. 8. The time within which the award shall be made and reported, may be varied according to the agreement of the parties; and no award made after the time so agreed upon shall have any legal effect or operation, unless made upon a re-commitment of the award by the court to which it is reported.

Award made after time fixed by parties not to have effect.

SEC. 9. To entitle any award to be enforced according to the provisions of this act, it must be in writing, subscribed by the arbitrators making the same, and attested by a subscribing witness.

To be in writing.

SEC. 10. The award shall be delivered by one of the arbitrators to the clerk of the court designated in the agreement, or shall be enclosed and sealed by them, and transmitted to the clerk, and shall remain sealed until opened by the court.

To be delivered to clerk of court.

SEC. 11. The court to which the award is returned shall have cognizance thereof in the same manner, and the same proceedings shall be had thereon, as if it had been made by referees appointed by a rule of the same court.

Court to have cognizance of award.

SEC. 12. The award may be accepted or rejected by the court for any legal and sufficient reason, or it may be re-committed to the same arbitrators for a re-hearing by them; and when an award is accepted and confirmed by the court, judgment shall be rendered thereon in the same manner as upon a like award made by referees appointed by a rule of the court, and execution shall issue accordingly.

Award may be accepted, rejected or re-committed.

SEC. 13. Any party complaining of such award may move the court designated in such submission, to vacate the same upon either of the following grounds:

On what grounds party may move court to vacate award.

1st. That such award was procured by corruption, fraud or other under [undue] means.

2d. That there was evident partiality or corruption in the arbitrators, or either of them.

3d. That the arbitrators were guilty of misconduct in refusing to postpone the hearing upon sufficient cause shown, or in refusing to hear any evidence, pertinent and material to the controversy, or any other misbehaviour by which the rights of any party shall have been prejudiced.

4th. That the arbitrators exceeded their powers, or that they so imperfectly executed them, that a mutual, final and definite award on the subject matter submitted was not made.

5th. That the award was contrary to law and evidence.

SEC. 14. Any party to such submission may also move the court designated therein, to modify or correct such award in the following cases:

In what cases party may move court to alter award.

1st. Where there is an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in such award.

2d. Where the arbitrators shall have awarded upon some matter not submitted to them, not affecting the merits of the decision upon the matters submitted.

3d. Where the awards shall be imperfect in some matter of form not affecting the merits of the controversy, and where if it had been a verdict, such defect could have been amended or disregarded by the court according to the provisions of law.

Award when to  
be returned to  
court.

SEC. 15. The award may be returned at any term or session of the court, that shall be held within the time limited in the submission, and the parties shall attend at every such term or session, without any express notice for that purpose, in like manner as if an action for the same cause were pending between them in the same court; but the court may require actual notice to be given to either party when it shall appear to them necessary or proper, before they proceed to act upon the award.

Judgment, how  
rendered.

SEC. 16. Upon such award being confirmed or modified, the court shall render judgment in favor of the party to whom any sum of money or damages shall have been awarded, that he recover the same, and if the award shall have ordered any act to be done by either party, judgment shall be entered that such act be done according to such order; the costs of proceedings shall be taxed as in suits, and if no provision for the fees and expenses of the arbitrators shall have been made in the award, the court shall make a suitable allowance.

Costs how taxed.

Record of judgment,  
how made.

SEC. 17. A record of such judgment shall be made, commencing with a memorandum reciting the submission, then stating the hearing before the arbitrators, their award, the proceedings of the court thereupon, in modifying or confirming such award, and the judgment of the court for the recovery of the debt or damages awarded, and that the parties perform the acts ordered by the award, and for the recovery of the costs allowed.

Record how filed  
and docketed, etc.

SEC. 18. Such record shall be filed and docketed as records of judgments in other cases, shall have the same force and effect in all respects, be subject to all the provisions of law in relation to judgments in actions, and may in like manner be removed and reversed by writ of error, and execution shall issue thereupon.

Execution to issue.

Arbitrators may  
make award concerning  
costs.

SEC. 19. If there is no provision in the submission concerning the costs of the proceedings, the arbitrators may make such award respecting the costs as they shall judge reasonable, including therein a compensation for their own services; but the court may reduce the sum charged for the compensation of the arbitrators if it shall appear to them unreasonable.

Court may enforce  
judgment.

SEC. 20. Where by such judgment any party shall be required to perform any act other than the payment of money, the court rendering such judgment shall enforce the same by rule, and the party refusing or neglecting to perform and execute such act, or any part thereof, shall be subject to all the penalties of contemning an order of such court.

#### CHAP. LX.—An Act for the Relief of the Poor.

Who to have super-  
intendence of  
poor.

SEC. 1. That the Board of County Commissioners of the several counties of this Territory, shall be and they are hereby vested with entire and exclusive superintendence of the poor, in their respective counties.

What relatives  
to support poor  
persons.

SEC. 2. Every poor person, who shall be unable to earn a livelihood, in consequence of bodily infirmity, idiocy, lunacy, or other unavoidable cause, shall be supported by the father, grand-father, mother, grand-mother, children, grand-children, brothers or sisters of such poor person, if they, or either of them, be of sufficient ability; and every person who shall fail or refuse to support his or